IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Mahesh Soni Vs. State

S.B. CRIMINAL REVISION PETITION NO.1006/2006
under S.53 of the Juvenile Justice
(Care & Protection of Children) Act, 2000.

Date of order : **5/9/2006.**

P R E S E N T
HON'BLE MR.JUSTICE HARBANS LAL

Mr. Anurag Sharma for the petitioner.
Mr. Arun Sharma P.P. for the State.

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BY THE COURT:-
Reportable

This revision petition under S.53 of the Juvenile Justice (Care & Protection of Children) Act, 2000 (in short "Act of 2000") is directed against the order dated 21/7/2006 passed by the learned Special Judge, Dacoity Affected Area, Bharatpur, District Bharatpur in Criminal Appeal No.48/2006 vide which the order dated 3/7/2006 passed by the learned Principal Magistrate, Juvenile Justice Board, Bharatpur in Cr.Case No.214/2005 rejecting his application for bail has been upheld.

The relevant facts are that on the basis of Parcha Bayan of one Rajesh Kumar, F.I.R. No.133/2005 came to be registered at P.S. Weir for offences under Sections 143, 307, 341 and 504 IPC about an incident which took place on 13/8/2005 wherein petitioner is alleged to have caused a gun shot injury to the complainant as a result of which he ultimately died

and an offence under Section 302 IPC and S.3/25 of the Arms Act were added. The petitioner being a juvenile applied to the concerned Juvenile Justice Board for bail which was turned down. The appeal preferred by and on his behalf was also dismissed. Hence, this revision petition.

It is inter-alia contended that a juvenile is entitled to bail under Section 12 of the Act of 2000 despite the nature of offence alleged against him.It is also submitted that there is no material to show any of the three conditions on the basis of which he may be declined bail. Simply because he is reported to have a scuffle with other inmates of the observtion home would not be sufficient to deny bail to him because something serious would have been done with him which led him to inflict injuries on them. Learned Public Prosecutor has opposed the contention.

I have considered the respective submissions made at the bar and have perused the orders passed by the learned courts below as well as the facts of the case.

It is not disputed that the petitioner having been born on 18/6/1988 was a juvenile on the date of occurrence i.e. 13/8/2005. It is also well settled that a juvenile cannot be denied bail on the ground of gravity of the alleged offences against him. However, the bail can be declined to him only if one or more of the conditions mentioned in Section 12 of the Act of 2000 is/are made out. In the instant case,

the orders of the learned courts below do not indicate any material on the basis of which such an inference could be reasonably drawn.

In this view of the matter, therefore, the orders of the learned courts below cannot be sustained.

Consequently, this revision petition is allowed and the order dated 21/7/2006 passed by thelearned Special Judge, Dacoity Affected Area, Bharatur as well as order dated 3/7/2006 passed by the learned Principal Magistrate, Juvenile Justice Board, Bharatpur are quashed and set-aside. It is directed that petitioner Mahesh Soni S/o Mohan Lal Soni shall be released on bail in F.I.R. No.133/2005 P.S. Weir, District Bharatpur for offences u/Ss.143, 307, 341, 504 and 302 IPC on his furnishing a personal bond in the sum of Rs.20,000/- together with one surety in the like amount to the satisfaction of the learned Juvenile Justice Board, Bharatpur with the stipulation to appear before that Board unless otherwise directed.

(HARBANS LAL), J.

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